

Remarks/Arguments

Claims 1-35 are pending in this application. Claims 1, 6, 11, 21, and 26 are currently amended. Claims 1-35 will still be pending after entry of this response. Applicants believe no additional fee is due.

In the current Office Action, the Examiner has rejected claims 21-25 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants respectfully disagree and submit that there is support for the “means for” language of claims 21-25. For example, Figures 2, 4 and 5 and corresponding descriptions of these figures in the specification provide such support. Applicants respectfully request reconsideration and withdrawal of the section 112 rejection of claims 21-25.

The Examiner has rejected claims 11-35 under 35 U.S.C. §101 suggesting that the claimed invention is directed to non-statutory subject matter. Claims 11 and 26 have been amended to recite a computer readable storage medium and thus, recites patentable subject matter. Claim 21 recites an “apparatus” and because software is not an apparatus, claim 21 is not directed to software per se, as suggested by the Examiner. Additionally, “35 U.S.C. 112, sixth paragraph states that a claim limitation expressed in means-plus-function language ‘shall be construed to cover the corresponding structure...described in the specification.’ ” See MPEP 2181(II). The specification of the present application teaches that the software and hardware work in concert together to perform at least one of the means-plus elements of claim 21. Further, on paragraph [0007] of the present application, “the system of the invention can include various engines and data repositories that work together to provide the means for implementing embodiments of the invention.” Thus, the means-plus functionality in claim 21 refers to software in combination with hardware. For all of the above reasons, claim 21 is directed to statutory subject matter. Claims 12-20, claims 22-25, and claims 27-35 are dependent from independent claims 11, 21 and 26, respectively and as such, also recite patentable subject matter. Thus, the section 101 rejection of claims 11-35 is respectfully requested to be withdrawn.

The Examiner has rejected claims 1-35 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 7,376,587 to Neofytides et al. ("Neofytides"). A claim is anticipated only if each and every element as set forth in the claim is found in the reference. M.P.E.P. 2131. All of

Applicants' claims, as amended herein, recite elements not fairly taught or disclosed in Neofytides.

For example, Applicants have amended independent claims 11, 21 and 26 to recite that at least one specific request from among the account-holder requests authorizes a specific third party participant to perform a plurality of recurring third-party transactions on behalf of the account holder. Applicants can find no such teaching in the cited portions of Neofytides, but rather a discussion of a one-time transfer of money from one person to another person. Also, each of Applicants' independent claims recites "receiving, at the financial institution" Nowhere does Neofytides disclose a financial institution or that a financial institution receives any authorization requests. With respect to amended claim 1, Neofytides does not disclose receiving a participant confirmation that includes "a confirmation that the at least one specific third-party participant's accounting system has been updated based on the at least one specific request," as recited in amended claim 1. This is because Neofytides only deals with a one-time transfer of money from one person to another and not a plurality of recurring third-party transactions. For at least the above-identified reasons, all of the independent claims, including claims 1, 11, 21, and 26, are patentable over Neofytides and reconsideration and withdrawal of the section 102(e) rejection of such claims is requested.

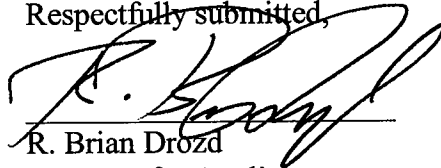
Applicants note that since, based on the above arguments, all of the independent claims rejected under section 102 are patentable, all of the dependent claims are also patentable for at least the same reasons. However, Applicants would like to specifically comment on claim 6, where the Examiner points to col. 4, lines 1-10 of Neofytides as teaching "how a user directs a money transfer request to another individual or entity." Claim 6, as amended recites "the account-holder requests comprise at least one direct-deposit request to authorize the at least one specific third-party participant to periodically direct deposit funds to the account." Applicants can find no such teaching in the cited portions of Neofytides, but rather a discussion of a one-time transfer of money from one person to another person. There is no mention of authorizing a third-party participant to periodically direct deposit funds to an account. As such, Applicant's request reconsideration and withdrawal of the section 102 rejection of claim 6 as well as the rejections of all other dependent claims.

Applicants believe they have responded to the Examiner's concerns, and that the application is in condition for allowance. Reconsideration of this application as amended is hereby requested.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. Brian Drozd', written over a horizontal line.

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